

REMARKS/ARGUMENTS

The Office Action of April 28, 2006, has been carefully reviewed and these remarks are responsive thereto. No amendments have been made. Claims 1-33 remain pending. Reconsideration and allowance of the instant application are respectfully requested.

Claim Objections

Claims 1-4, 6-18, and 20-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghai *et al.* (U.S. Publ. No. 2005/0120330, hereinafter Ghai).

Claims 5 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghai in view of McKibben *et al.* (U.S. Publ. No. 2004/0122835, hereinafter McKibben).

Claims 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ghai in view of Abraham-Fuchs *et al.* (U.S. Publ. No. 2004/0260593, hereinafter Abraham-Fuchs).

Second Declaration Under 37 C.F.R. § 1.131

The priority date of Ghai appears to be July 11, 2003, and the priority date of Abraham-Fuchs appears to be May 20, 2003, whereas the present application was filed July 31, 2003. Applicant submits concurrently herewith a Second Declaration Under 37 C.F.R. § 1.131 ("Second Declaration"), establishing a date of invention prior to May 20, 2003, with subsequent diligence until filing the present application on July 31, 2003. The Second Declaration points out which facts applicant is relying on to show conception and how the exhibits teach the specific claim limitations. As such, Ghai and Abraham-Fuchs are inapplicable references, and the above rejections are respectfully traversed.

CONCLUSION

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Appln. No.: 10/630,905
Amendment dated August 28, 2006
Reply to Office Action of April 28, 2006

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated this 28 day of Aug, 2006

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